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**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON**

## UNITED STATES OF AMERICA

**Plaintiff,**

V.

DANIEL NIX

**Defendant,**

} Case No.: CR17-105-RSL

**MOTION IN LIMINE TO STRIKE ALL  
LANGUAGE RELATED TO THE TERM  
“SOVEREIGN CITIZEN” AS  
UNCONSTITUTIONAL**

COMES NOW Daniel Anthony Nix, C.S. (“Daniel”), appearing specially and without conferring jurisdiction to this Court (still under direct challenge), stating on the record that he is not to be presumed as trustee of this constructive trust and hereby moves this Court for an order striking all references or statements that Daniel is a “sovereign citizen” and any related section 403 and 404 evidence from use at trial, and in support states as follows:

## **MOTION AND RELIEF REQUESTED**

1. Daniel moves this Court for an order excluding and striking all references by the Prosecution labeling Daniel as a “sovereign citizen” as prohibited by FRE 403 and 404.
2. Daniel Notices this Court of his standing objection to the derogatory mischaracterization by the Government as a “sovereign-citizen” and of the fact that such a term has no legal basis and has been excessively used by the Government without a valid establishment in fact or law in the United States.

1       3. As Daniel has previously addressed, the Department of Justice and the Federal Bureau  
2 of Investigations created the term “sovereign citizen” to label and mischaracterize any man or  
3 woman that stands up against the Government for abuses and violations of rights, a right  
4 protected by the First and Fourteenth Amendments.  
5

6       4. The Prosecution has poisoned and tainted the entirety of these proceedings through its  
7 mischaracterization of Daniel, in part for his spiritual beliefs, and the presiding judge of this  
8 Court has agreed from the very beginning also characterizing Daniel under the same term.  
9

10      5. The gravamen of the Prosecution’s use of the term “sovereign citizen” is to label Daniel  
11 as “disruptive”, “defiant”, “manipulative”, “violent”, and because of these flagrant  
12 mischaracterizations to state that he is not worthy of an unbiased tribunal, is not worthy of due  
13 process, is not worthy of the right to unrestricted access to *Brady* materials and exculpatory  
14 evidence.  
15

16      6. In support of its position, the Prosecution uses a report issued by the FBI, not a court  
17 decision based upon factual information or legal findings, to defame Daniel and poison this  
18 Court’s view of Daniel’s beliefs.  
19

20      7. However, this Court, through its decisions and its actions, is controlled by the superior  
21 authority<sup>1</sup> of the federal Constitution and the **controlling** authority issued to it by the Supreme  
22 Court.  
23

24      8. The First Amendment of the C.U.S.A. protects Daniel’s spiritual beliefs, and his right  
25 to assemble and petition the Government for redress of grievances.  
26

27      9. Daniel’s deep-rooted spiritual beliefs are the core of Daniel’s inalienable rights, which  
28 are not granted by the Government, the Court, of any of its biased officers.

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<sup>1</sup> Constitution of the United States, Article 4, Clause 2, the Supremacy Clause.

1       10. Daniel's inalienable rights include his right of self-determination as to his political and  
2       socio-economic affiliations and participation.

3       11. Daniel's beliefs align exactly to those of Thomas Jefferson, one of the founders of this  
4       great nation who defied the tyrannical authority of the King of England. This entire country  
5       and its organic founding documents such as the Declaration of Independence and the organic  
6       Constitution, protected the rights of the people from taxation and government abuse

7       12. As stated by the Supreme Court: "It will be sufficient to observe briefly, that the  
8       sovereignties in Europe, and particularly in England, exist on feudal principles. That system  
9       considers the prince as the sovereign, and the people as his subjects; it regards his person as the  
10      object of allegiance... No such ideas obtain here; at the revolution, the sovereignty devolved on  
11      the people; and they are truly the sovereigns of the country, but they are sovereigns without  
12      subjects... and have none to govern but themselves... Chisholm v. Georgia 2 U.S. 419 (1793).

13      13. Daniel has previously addressed how his spiritual beliefs, protected by the limitations  
14      of the First Amendment, negate any presumptions by the government or this Court that Daniel  
15      is a "Citizen" of any political body or a public officer under such authority.

16      14. In fact, the legal requirements to become a citizen is a pledge of allegiance to a  
17      sovereign. Pursuant to decisions of the Supreme Court, Daniel is a sovereign in his own right,  
18      owing allegiance to God, and cannot pledge allegiance to another sovereign.

19      15. This act is impossible as Daniel's deeply rooted spiritual beliefs prohibit Daniel from  
20      serving two masters<sup>2</sup>.

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<sup>2</sup> Holy Bible, Book of Matthew, 6:24: "No man can serve two masters: for either he will hate the one, and love  
the other; or else, he will hold to the one, and despise the other, Ye cannot serve God and mammon."

16. Daniel has reviewed Public Law 2 Stat. 153, which sets forth the requirements to become a citizen in the United States political and governmental system. The very first requirement thereof is to renounce his allegiance to his Creator and the Kingdom of Heaven. This is an unacceptable requirement that Daniel shall vehemently oppose until his last breath.

17. The political structure of the United States of America allows for Daniel to exist separate and apart from the government operations as a sovereign without subjects.

18. The term sovereign is a “juris-diction” word used by the United States in its realm of understanding and contracts (See P.L. 88-243). The high court in this land clearly has recognized that the people are the sovereigns, not the government.

19. The government derives its authority by the “consent” of the people and the people reserve their rights and may abolish the government from their lives if it becomes corrupted or destructive its own creation.

*"When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation....*

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are Life, Liberty, and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. — That whenever any Form of Government becomes destructive of these ends, it is the right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness... it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. \*\*\*

20. Along with Daniel's right to consent to be governed, is his equal right to withdraw or withhold his consent. This Court must recognize his beliefs and right not to consent.

1       21. The government's attempt to disparage Daniel's spiritual beliefs is nothing short of the  
2       tyranny this country escaped by declaring the aforementioned independence. The Government  
3       cannot produce any evidence of Daniel's written consent to be governed. In fact the high court  
4       of this land has previously determined even an individual's (public officer's) right to structure  
5       his private affairs for his own benefit as follows:

6       7       *"The individual may stand upon his constitutional rights as a citizen.* He is entitled to carry  
7       8       on his private business in his own way. *His power to contract is unlimited.* He owes no  
8       9       duty to the State or to his neighbors to divulge his business, or to open his door to an  
9       10      investigation. He owes nothing to the State since he receives nothing therefrom beyond  
10      11      mere protection of life and property. His rights are such as existed by the law of the land  
11      12      long antecedent to the organization of the State. . . . He owes nothing to the public so long  
12      13      as he does not trespass upon their rights." [Emphasis added] *Hale v. Henkel*, 201 U.S. 43 at  
13      14      74 (1905):

14      15      22. The Prosecution's sovereign citizen rhetoric, now adopted by the presiding judge, is in  
15      16      absolute contravention of Daniel's spiritual nature and may not be allowed to infect the jury in  
16      17      this case.

17      18      23. It has already created an obstruction of Daniel's right to be protected from government  
18      19      overreach in this case.

19      20      24. The mischaracterization of Daniel, caused by his challenge to governmental authority  
20      21      which is every man's right, has resulted in denial of a speedy trial, of the right to competent  
21      22      counsel not aligned with the interests of the court, and of access to discovery and exculpatory  
22      23      evidence and continued due process violations.

1       25. Constitutional violations by their very nature cast so much doubt on the fairness of the  
2 trial process that, as a matter of law, they can never be considered harmless.” *Satterwhite v.*  
3 *Texas*, 486 U.S. 249, 256 (1988); accord *Neder v. United States*, 527 U.S. 1, 7 (1999) (“[W]e  
4 have recognized a limited class of fundamental constitutional errors that ‘defy analysis by  
5 “harmless error” standards’...Errors of this type are so intrinsically harmful as to require  
6 automatic reversal (i.e., ‘affect substantial rights’) without regard to their effect on the  
7 outcome.”) ***Constitutional errors require reversal without regard to the evidence in the***  
8 ***particular case because they render a trial fundamentally unfair.*** *Vasquez v. Hillary*, 474  
9 U.S. 254, 263-264 (1986). [emphasis added] There are some constitutional rights so basic to a  
10 fair trial that their infraction can never be treated as harmless error. *Chapman v. California*,  
11 386 U.S. 18, 23 (1967).

12       26. The Prosecution’s character assassination, and this Court’s inherent acceptance of the  
13 disparaging “Government can do no wrong” political ideology of government agents espousing  
14 hate speech and libelous mischaracterizations of Daniel’s deeply rooted beliefs, is nothing  
15 short of criminal behavior prohibited by 18 U.S.C. §§ 241 and 242.

16       27. This Court cannot remedy its involvement in the denial of Daniel’s inalienable and  
17 imprescriptible rights granted to him by his Creator.

18       28. Daniel demands this Court strike any and all disparaging records in this Court that  
19 attempt to characterize Daniel as anything other than a man created in his Creator’s image.

20       29. This Court must provide a remedy to Daniel as set forth in 28 U.S.C. § 2201, by issuing  
21 a comprehensive legal determination by declaratory judgment founded upon absolute facts and  
22 law, not hypothetical inference, that Daniel is a man created in the image of his Creator and  
23 cannot be labeled as a “citizen” without renunciation of his deeply rooted spiritual convictions.

1       30. This Court has a binding duty to recognize and adhere to the controlling law and  
2 decision of the high court of this land, which has determined that the people are sovereigns.  
3

4       31. This Court must therefore determine that the Prosecution's accusations and attempts to  
5 label and mischaracterize Daniel as a "sovereign-citizen" must fail as an oxymoron<sup>3</sup>.  
6

7       32. The Prosecution's use of the FBI fictional creation of an oxymoron term known as a  
8 "sovereign-citizen" is herein and hereby rebutted pursuant to FRE 301.  
9

10      33. Additionally, The Prosecution's accusation that the sovereign citizen movement is a  
11 loosely affiliated group is defective.  
12

13      34. The First Amendment specifically destroys the Prosecution's attempt to limit Daniel  
14 from assembling with like-minded men or women to petition the government for redress of any  
15 perceived grievances, including agencies such as the IRS.  
16

17      35. The Prosecution would assert that a like-minded group assembled to help protect  
18 inalienable rights is in some form a violent and disruptive group.  
19

20      36. A sovereign is one of the organic people as determined by the Supreme Court, and a  
21 citizen is a term of political allegiance or standing as a government participant, the  
22 combination of which creates a incorrect and conflicted oxymoron.  
23

24      37. Daniel's reliance upon the organic laws and decisions of the Supreme Court destroys  
25 any evidence of mens rea pursuant to U.S. v. Bishop, 412 U.S. 346(1973) and the Prosecution  
26 has no right to label or slander Daniel for his beliefs and attempts at redress of his grievances.  
27

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28      <sup>3</sup> Meriam-Webster's definition of oxymoron: a combination of contradictory or incongruous words (such  
29 as *cruel kindness*); broadly : something (such as a concept) that is made up of contradictory or  
30 incongruous elements

1       38. This Court must recognize that all people have a right to abolish their form of  
2 government if it is destructive to their life, liberty and pursuit of happiness.

3       39. This Court must recognize that a republican form of government is guaranteed by  
4 Article IV, Section 4 of the superior authority of its controlling constitution.

5       40. This Court must recognize the difference between a democracy and a republic, which is  
6 guaranteed to all people in America. A Democracy is Rule by the omnipotent majority. In a  
7 democracy, an individual, and any group of individuals composing any minority, have no  
8 protection against the unlimited power of the majority. It is a case of Majority-over-Man. A  
9 republic is similar to a representative democracy except it has a written constitution of basic  
10 rights that protect the minority from being completely unrepresented or overridden by the  
11 majority.

12       41. Daniel asks this Court exactly what this Court believes it is operating under, a  
13 democracy wherein the ruling class can suspend or ignore Daniel's inalienable rights, or a  
14 republic that limits this Court's authority under the confines of the Constitution?

15       **Arguments**

16       **a) The Allowance of Such Mischaracterization as Evidence Will Create a Series of  
17 Mini-Trials, Will Cause Confusion, Will Result in a Longer Trial, and Will Unduly  
18 Prejudice Daniel in the eyes of the jury.**

19       42. Even if the Court found relevance to the Prosecution's characterization of  
20 Daniel, almost every prong of Fed. R. Evidence 403 is present. Federal Rule of  
21 Evidence 403 states:

22       The court may exclude relevant evidence if its probative value is substantially  
23 outweighed by a danger of one or more of the following: unfair prejudice, confusing the  
24 issues, misleading the jury, undue delay, wasting time, or needlessly presenting  
25 cumulative evidence.

1       43. The evidence the Prosecution would move to admit in relation to Daniel's actions would  
2           unfairly prejudice Daniel. Such evidence would present improper conformance evidence, and it  
3           has the potential to confuse the actual reason Daniel is on trial. It also has the potential to  
4           create a much longer trial, especially since Daniel objects to and disputes the collateral claims  
5           and argues that the collateral conduct was legal. Daniel may need to present additional  
6           witnesses that can justify Daniel's prior tax strategies or give additional context, such as  
7           calling the Commissioner of Internal Revenue, the Secretary of the Treasury, Willie Hughes or  
8           other witnesses. Many of these requirements for a fair trial are already tainted by this Court's  
9           acceptance of the term used by the Prosecution and its' own reference to Daniel as a  
10           "sovereign citizen" without a single finding of fact.  
11

13           44. This Court, is tainted by the presiding judge's bent of mind and mischaracterization of  
14 Daniel in coordination with the Prosecution.

**a) Judicial Bias and its use of the term “sovereign citizen” is a structural error.**

17       45. This Court erred by allowing Judge Lasnik to rule upon his own recusal and the judge  
18 suffers from bent of mind against Daniel in part of his own belief that Daniel is a sovereign  
19 citizen merely for challenging the Court's authority and jurisdiction.

20       46. Judge Lasnik has been adverse to Daniel from the very beginning, has disparaged  
21 Daniel's spiritual beliefs and his religious exercise. This cannot be cured at this stage.

23        47. The appearance of bias by Judge Lasnik is a structural error and cannot be overcome.  
24        Included in the definition of structural errors, is the right to an impartial judge, i.e., the right to  
25        a judge who follows the Constitution and Supreme Court precedent and upholds the oath of  
26        office. *Neder v. United States*, 527 U.S. 8 (“biased trial judge” is ‘structural error and thus is  
27        subject to automatic reversal”); *Edwards v. Balisok*, 520 U.S. 641, 647 (1997).

48. "A criminal defendant tried by a partial judge is entitled to have his conviction set aside, no matter how strong the evidence against him." *Johnson v. United States*, 520 U.S. 461, 469 (1997), *Sullivan v. Louisiana*, 508 U.S. at 279; *Rose v. Clark*, 478 U.S. 570, 577-78 (1986); *Tunney v. Ohio*, 273 U.S. 510, 523 (1927).

49. The mischaracterization of Daniel by the Prosecution, and furthered by the presiding judge creates an appearance of partiality. “*what matters is not the reality of bias or prejudice but its appearance*,” *Liteky v. United States*, 510 U.S. 540, 548 (1994). A judge’s failure to withdraw-given the evidence of possible bias- undercuts “the integrity and reputation of the judicial process,” *Bustillo*, 789 F.2d at 1367, and seriously affects the fairness of judicial proceedings,” *Young*, 470 US at 15, quoting *Atkinson*, 297 U.S. 160(1936).

50. Indeed, the Supreme Court has indicated that the right to an impartial judge ranks among those “constitutional rights so basic to a fair trial that their infraction can never be treated as harmless error. *Chapman v. California*, 386 U.S. 18, 23(1967), *Turney v. Ohio*, 273 U.S. 510 (1927), *United States v. Perkins*, 937 F.2d 1397(9<sup>th</sup> Cir. 1991)

## Summary

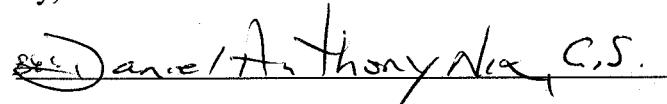
Daniel continues to be severely prejudiced by the mischaracterization under an oxymoron term that has no factual or legal basis, resulting in obstruction of his rights by the conspired actions of Prosecution and the presiding judge. The use of false character assassination by the Prosecution should never be allowed in a fair and unbiased tribunal and violated FRE 403 and 404. Daniel is entitled to his beliefs, and in fact they are constitutionally protected. *“Under the Equal Protection Clause, not to mention the First Amendment itself, government may not grant the use of a forum to people whose views it finds acceptable [Government], but deny use to those wishing to express less favored or more controversial*

1 views [the people]. And it may not select which issues are worth discussing or debating in  
2 public facilities. There is an 'equality of status in the field of ideas,' and government must  
3 afford all points of view an equal opportunity to be heard." Police Department of Chicago v.  
4 Mosley, 408 U.S. 92, 96(1972).  
5

6 Daniel has a protected right to his firmly held spiritual beliefs under the first  
7 amendment, which have been recognized and established as the Word of God by the  
8 Government at Public Law 97-280. Daniel's challenge to the unlawful exercise dominion over  
9 his body and soul is also protected as no such authority was granted by his Creator (See the  
10 Book of Genesis).

12 WHEREFORE, Daniel hereby demands this Court strike all pleadings and reference to Daniel  
13 under the Prosecution's character assassination and labeling of Daniel as a "sovereign citizen"  
14 under FRE 403 and 404 and limit the introduction of any evidence that supports the  
15 Prosecution's agenda of disparaging Daniel's character and right to petition for redress and  
16 assemble with like minded people for the same purpose.  
17

18 Respectfully submitted this 26<sup>th</sup> Day of July, 2018

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21 Daniel Anthony Nix, C.S.  
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## VERIFICATION

I verify and declare under penalty of perjury under the laws of the United States of America that the foregoing has been reviewed by me and is true and correct to the best of my knowledge, information, and belief.

Executed on this 26<sup>th</sup> Day of July, 2018

Reserving all rights without prejudice.

Sgt. Dan'l Anthony Alix, C.S.

Daniel Anthony Nix, C.S.

CERTIFICATE OF SERVICE

The undersigned does hereby provide notice to the Court that a copy of the aforementioned pleading has been served upon the parties appearing of record in compliance with FRCP Rule 5 and was mailed by first class mail this 26<sup>th</sup> day of July, 2018 to the following:

ANNETTE L. HAYES  
United States Attorney  
c/o SEUNGJAE LEE  
US ATTORNEYS OFFICE  
7000 Stewart Street, Suite 5200  
Seattle, Washington 98101

*Located outside of the District of Columbia*

CC: Cassandra Stamm via Email

345. Daniel Anthony Nix, C.S.